

George E. Fleming, State Bar No. 065804
BAKER & MCKENZIE LLP
12544 High Bluff Drive, Third Floor
San Diego, CA 92130-3051
Telephone: +1 858 523 6200
Facsimile: +1 858 259 8290
Email: george.e.fleming@bakernet.com

Attorneys for Defendant
Applebee's Restaurants West, LLC dba Applebee's
Neighborhood Bar & Grill #5711

Lynn Hubbard, III, State Bar No. 69773
Scottlynn J. Hubbard, IV, State Bar No. 212970
DISABLED ADVOCACY GROUP, APLC
12 Williamsburg Lane
Chico, CA 95926
Telephone: +1 530 895 3252
Facsimile: +1 530 894 8244
Email: usdcsouth@hubslaw.com

Attorneys for Plaintiff
Larry McIver

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Larry McIver,

Plaintiff,

v.

TARGET CORPORATION, dba TARGET #274; COST PLUS, INC., dba COST PLUS WORLD MARKET #145; FRIT ESCONDIDO PROMENADE, LLC; LA SALSA, INC., dba LA SALSA #93; APPLEBEE'S RESTAURANTS WEST, LLC, dba APPLEBEE'S NEIGHBORHOOD BAR & GRILL #5711; TOYS 'R' US -- DELAWARE, INC., dba TOYS 'R' US #5633; PARTY CITY CORPORATION, dba PARTY CITY OF ESCONDIDO #445; INLAND WESTERN MDS PORTFOLIO, LLC.

Defendants.

Case No. 08 CV 0132 IEG WMc

**JOINT MOTION TO EXTEND THE
TIME FOR DEFENDANT TO
RESPOND TO THE COMPLAINT**

Judge: Hon. Irma E. Gonzalez

Defendant, Applebee's Restaurants West, LLC dba Applebee's Neighborhood Bar & Grill #5711 ("Applebee's"), and Plaintiff, Larry McIver ("Plaintiff") hereby file this Joint Motion to

1 extend the period within which Applebee's must file a response to the Complaint on file herein an
 2 additional fourteen (14) days. This Joint Motion is made with reference to the following facts:

- 3 • On January 23, 2008, Plaintiff filed a 72-page Complaint naming, amongst other
 4 Defendants, Applebee's.
- 5 • Applebee's was personally served with the Complaint on January 29, 2008. Given
 6 the 20th day falls on a court holiday, February 18, 2008, Applebee's response due date
 7 would fall on Tuesday, February 19, 2008.
- 8 • Applebee's has only recently retained Baker & McKenzie LLP, and more specifically
 9 George E. Fleming, to represent it in this matter;
- 10 • That counsel requires additional time to familiarize himself with the facts of the case
 11 and file a meaningful response to the Complaint, and also explore possible resolution
 12 with Plaintiff.

13 That counsel requires additional time to familiarize himself with the facts of the case and file
 14 a meaningful response to the Complaint, and also to explore possible resolution with Plaintiff.

15 WHEREAS, it is believed by these moving parties that the interests of this litigation are best
 16 served by permitting defense counsel an opportunity to become familiar with the facts of the case,
 17 and possibly explore resolution with Plaintiff, and to have an additional fourteen (14) days within
 18 which to respond to the Complaint.

19 NOW THEREFORE, these moving parties respectfully request that this Court approve and
 20 enter an order in this matter as follows:

21 That the Court grant Applebee's an additional fourteen (14) days from
 22 February 19, 2008 (March 4, 2008), within which to respond to
 Plaintiff's Complaint on file herein.

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1 WHEREFORE, these moving parties respectfully request that the Court approve this Joint
2 Motion and issue the proposed order which has been sent electronically to this Court's chambers.

3 Dated: February 11, 2008

BAKER & MCKENZIE LLP

5 By:s/George E. Fleming

6 Attorneys for Defendant
7 Applebee's Restaurants West, LLC dba
Applebee's Neighborhood Bar & Grill
#5711

8 E-mail: george.e.fleming@bakernet.com

9 Dated: February 11, 2008

DISABLED ADVOCACY GROUP, APLC

11 By:s/Lynn Hubbard, III

12 Attorneys for Plaintiff
13 Tyler Toups
Email: usdcsouth@hubslaw.com